

CITY OF BURBANK

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PUBLIC WORKS DEPARTMENT

July 10, 2017

Comment # 9

Via Email: commentletters@waterboards.ca.gov

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Comment Letter – 303(d) List for Waterbodies in the Los Angeles Region

Dear Ms. Townsend:

The City of Burbank (City) appreciates the opportunity to provide comments on the proposed amendments to the Clean Water Act (CWA) Section 303(d) List for Waterbodies in the Los Angeles Region. This letter incorporates by reference Attachment 1, which provides the City's comments to said amendments.

9.01

CWA Section 303(d) requires each state to list waters not meeting water quality standards and prioritize those waters for Total Maximum Daily Load (TMDL) development. The Los Angeles Regional Water Quality Control Board (LARWQCB) did not approve 303(d) List recommendations for waterbodies within its region. After a written public comment period and board workshop, the LARWQCB made revisions to its 303(d) List. Because the Los Angeles Regional Board did not formally approve the revised regional 303(d) List, the State Water Resources Control Board will consider and approve the proposed 303(d) List pertaining to waterbodies within the Los Angeles region, after providing an opportunity to comment and responding to comments.

If you have any questions related to our comments, please contact Stephen Walker, Assistant Public Works Director – Wastewater Systems, at (818) 238-3804 or swalker@burbankca.gov, or me at (818) 238-3940 or drynn@burbankca.gov.

Respectfully submitted,

Daniel J. Rynn
City of Burbank
Acting Public Works Director

Attachment 1 – Comment Matrix

Attachment 1
Comments by City of Burbank Department of Public Works
Proposed Revisions to the Los Angeles Region 303(d) List for the Burbank Western Channel

No.	Pollutant	Line of Evidence (LOE) and Data Time Period Supporting Listing Decision	Comments
9.02	Indicator Bacteria	LOE 2535: 11/8/2002 – 4/30/2003, County of Los Angeles Stormwater Monitoring Report 2003/04; LOE 28228: Monitoring Report (MS4 Data) for storm year 2003-2004; LOE 28222: Jan 2002 - Apr 2007 BWRP monitoring data	For Decision ID 44606, the Fact Sheet presents three lines of evidence (LOE) for "indicator bacteria". LOE 2535 states that one of six samples exceeded the fecal coliform water quality objective (WQO) for the beneficial use "Water Contact Recreation" (REC-1); LOE 28228 states that five of six samples exceeded the Basin Plan Objective for indicator bacteria in fresh waters; and LOE 28222 states that ten of twelve samples exceeded the Basin Plan Objective for fecal coliform in REC-1 waters. Data for the proposed listing are between 10 and 15 years old and some LOEs are based on a very small data set (1 data point). Current listings for impaired waterbodies should be based on more current data and presently, the limited data does not describe the current conditions in the Burbank Western Channel.
9.03	Cyanide	LOE 2532: 11/8/2002 – 4/30/2003, Data source not indicated and referenced as "Placeholder reference 2006 303(d)"	For Decision ID 32817, the Fact Sheet presents one LOE for listing cyanide. LOE 2532 states two of six samples exceeded the CTR Criteria for freshwater aquatic life protection. Data for the proposed listing is between 14 and 15 years old and the proposed listings is based on a very small data set (2 data points). Current listings for impaired waterbodies should be based on more current data and presently, the limited data does not describe the current conditions in the Burbank Western Channel.
9.04	Selenium	LOE 28229: January 2002 to April 2007; BWRP monitoring data	For Decision ID 43271, the Fact Sheet presents two LOEs for listing selenium. LOE 28229 states twelve of forty eight samples exceeded the CTR Criteria for freshwater aquatic life protection. Data for proposed listings are between 10 and 15 years old. Current listings for impaired waterbodies should be based on more current data and presently, the limited data does not describe the current conditions in the Burbank Western Channel.
9.05	Copper	LOE 2539: Five samples taken during wet season, 11/08/2002-03/15/2003, 1 sample taken during the dry season; 04/30/2003. Data source not indicated and referenced as "Placeholder reference 2006 303(d)"	For Decision ID 32764, the Fact Sheet presents one LOE for listing copper. LOE states states three of six samples exceeded the CTR Criteria for freshwater aquatic life protection. Data for proposed listings are between 10 and 15 years old. Current listings for impaired waterbodies should be based on more current data and presently, the limited data does not describe the current conditions in the Burbank Western Channel.
9.06	Lead	LOE 2541: Zero of six samples exceeded the CTR dissolved lead criterion for continuous concentration in water. .11/8/2002 – 4/30/2003.	For Decision ID 32764, the Fact Sheet presents one LOE for listing lead. Zero of six samples exceeded the CTR dissolved lead criterion for continuous concentration in water and data for proposed listings are between 14 and 15 years old. On this basis the new listing decision should be "Do Not List." The reason for listing is referenced as "because of the data review and the targets and allocations for lead included in the Los Angeles River metals TMDL which was approved by USEPA on 12/22/2005." The existence of the approved LA River Metals TMDL seems an insufficient basis for listing as no water quality criterion were exceeded.
9.07	Trash	LOE 28088: Zero of Zero exceeded the Water Quality Control, Los Angeles Region R4 Basin Plan	For Decision ID 34265, the Fact Sheet presents one LOE for listing trash. It appears that no evidence was provided to support the decision to place the pollutant in the "Being Addressed" portion of the 303(d) list. The existence of the approved LA River Trash TMDL seems an insufficient basis for listing